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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,682	01/14/2002	Hiromoto Ohno	Q60714	8394
7590	06/02/2004			
Sughrue Mion 2100 Pennsylvania Avenue NW Washington, DC 20037-3213				
EXAMINER LANGEL, WAYNE A				
ART UNIT		PAPER NUMBER		
1754				
DATE MAILED: 06/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10030682			

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5-3-04 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4 and 7-10 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-4 and 7-10 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese 5105411, for the reasons given in the last Office Action. Applicant's argument, that JP '411 is completely silent on the important point of the prevention of explosion in the reaction of fluorine gas and ammonia gas, is not convincing. JP '411 teaches that the fluorine gas and ammonia gas may be diluted using a diluting gas, presumably to prevent an explosion. In any event, it would be prima facie obvious to determine the degree of dilution of the fluorine gas and ammonia gas in the process of JP '411. It would not be unexpected that the use a fluorine gas concentration of 3 mol% or less and a concentration of ammonia gas of 6 mol% or less in the diluting gas of JP '411 would assist in preventing an explosion. Applicant's argument, that the claimed concentrations of fluorine gas and ammonia gas provides unexpected advantages, is not convincing, since claims 1, 2, 4, 7 and 8 do not recite the relative concentrations of fluorine gas and ammonia gas. In any event, regarding claim 3, it would be prima facie obvious to employ stoichiometric proportions of fluorine gas and ammonia gas in the process, which would be embraced by the ratio of 1:1 to 1:2 of fluorine to ammonia. Moreover, it would not be unexpected that unreacted ammonia or fluorine would remain when employing amounts outside this ratio.

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Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese 5105411 as applied to claim 1 above, and further in view of Japanese 55116624, for the reasons given in the last Office Action.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. 119(e). The verified English translation of provisional application 60/230,792 has been received.

Applicant is invited to make of record a certified English translation of Japanese 5105411

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Wayne Langel at telephone number 571-272-1353.

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A handwritten signature in cursive script that reads "Wayne A. Langel". The signature is written in black ink and is positioned above the printed name and title.

Wayne Langel
Primary Examiner
Art Unit 1754